

DRAFT

VIA OVERNIGHT DELIVERY

John F. Cermak, Jr.
Baker & Hostetler LLP
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7125

Re: Designation of McGinnes Industrial Maintenance Corporation and International Paper Company, Inc. as Authorized Agents of the United States Environmental Protection Agency for the Purpose of Entry onto Property Owned or Controlled by Big Star Barge & Boat Company, Inc.

Dear Mr. Cermak:

By this letter the United States Environmental Protection Agency (EPA) designates McGinnes Industrial Maintenance Corporation and International Paper Company, Inc. (Respondents), their officers, employees, agents, contractors, consultants, and representatives, as the EPA's authorized representatives solely for purpose of entry onto property owned or controlled by Big Star Barge & Boat Company, Inc. at or in the vicinity of the San Jacinto River Waste Pits Superfund Site, Harris County, Texas, where such entry is needed to effectuate CERCLA response actions in accordance with the Administrative Order on Consent for Time Critical Removal Action, CERCLA Docket No. 06-12-10 (AOC), and the Unilateral Administrative Order, CERCLA Docket No. 06-03-10 (UAO), under which Respondents are performing the Remedial Investigation/Feasibility Study.

The EPA is authorized to designate Respondents as its representatives pursuant to section 104(e)(1) and (3) of the Comprehensive Environmental Response, Compensation, and Liability Act as amended (CERCLA), 42 U.S.C. §§ 9604 (e)(1) and (3), and the National Contingency Plan, 40 C.F.R. Section 300.400(d)(3). The authority granted to the President in Section 104(e) of CERCLA was delegated to EPA in Executive Order 12580, issued January 23, 1987, and re-delegated to the Regional Administrators by the EPA Delegation No. 14-6 on September 13, 1987, and further redelegated to the Director, Superfund Division, Region 6.

This letter additionally reaffirms the obligations of Respondents under the AOC to pay the expenses incurred by the United States in obtaining access on their behalf, and to indemnify, save, and hold harmless the United States for any and all claims or causes of action arising from or on account of acts or omissions of Respondents or their officers, employees, agents, contractors, subcontractors, and any persons acting on their behalf or under their control, in carrying out activities pursuant to the AOC. This letter additionally constitutes an agreement by

the Respondents to indemnify, save, and hold harmless the United States for any and all claims or causes of action arising from or on account of acts or omissions of Respondents or their officers, employees, agents, contractors, subcontractors, and any persons acting on their behalf or under their control, in carrying out activities pursuant to the UAO and this letter.

Please acknowledge your receipt and agreement with the contents of this letter by signing where indicated below and returning this letter to Jessica Hernandez, Office of Regional Counsel, U.S. Environmental Protection Agency (6RC-S), 1445 Ross Avenue Suite 1200, Dallas, TX 75202-2733.

Sincerely,

Samuel Coleman, P.E.,
Director
Superfund Division

International Paper Company, Inc